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HIGH COURT OF CHHATTISGARH AT BILASPUR (C.G.)

Writ Petition No. 5750 of 2005

Jai Dhaneshwari Educational Society

Versus

State of Chhattisgarh & Others

Judgment for consideration.

Sd/-

Chief Justice
26-09-2007

I agree

Hon'ble Shri Satish K. Agnihotri, J

Sd/-
Satish K. Agnihotri
Judge

Post for 27th September, 2007

Sd/-

Chief Justice
27/09/2007

(179)

HIGH COURT OF CHHATTISGARH AT BILASPUR

DIVISION BENCH

CORAM: HON'BLE SHRI JAGDISH BHALLA, Ag. CJ. & HON'BLE SHRI SATISH K. AGNIHOTRI, J.

Writ Petition No. 5750 of 2005

Petitioner : Jai Dhaneshwari Educational Society (Reg. Chhattisgarh Rajya 227) Through Suhas Kadam S/o Baliram Kadam Aged about 26 years, Occupation – Assistant Professor R/o VIP Road, Raipur, District : Raipur (CG)

Versus

Respondents

1. State of Chhattisgarh Through the Secretary, Department of Agriculture, DKS Bhawan, Mantralaya, Raipur (CG)
2. Vice Chancellor, Indira Gandhi Krishi Vishwavidyalay Krishak Nagar, Raipur (CG)
3. Chairman Board of Management, Indira Gandhi Krishi Vishwavidyalay Krishak Nagar, Raipur (CG)
4. Registrar, Indira Gandhi Krishi Vishwavidyalay Krishak Nagar, Raipur (CG)

Writ Petition under Articles 226/227 of the Constitution of India

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Present : Smt. Hamida Siddique, counsel for the petitioner.
Shri Prashant Mishra, Additional Advocate General for the State / respondent No.1.
Shri Prashant Mishra, Senior Advocate with Shri Shashank Thakur, Advocate for the respondent Nos. 2 to 4.

JUDGMENT

(Delivered on 27th September, 2007)

The following judgment of the Court was delivered by **Hon'ble Jagdish Bhalla, Ag. C.J.**

This writ petition is directed against the part of the notification dated 04-08-2005 whereby the Board of Management of Indira Gandhi

Krishi Vishwavidyalay has refused to grant permission for fresh admission of students during Academic Session 2005-06 in the College of Agricultural Biotechnology. The Board of Management has further suggested that the College can change the degree from B.Sc (Agricultural Biotechnology) to B.Sc (Biotechnology) and can seek affiliation from any other Traditional University. In the National Agricultural Research and Education system as regulated/managed by ICAR, no undergraduate Programme / Degree can be offered in the name of B.Sc(Agricultural Biotechnology) or B.Sc (Biotechnology) as such affiliation for the said degree cannot be continued. It has been further prayed that a writ in the nature of mandamus be issued directing the respondents to allow the petitioner – college to continue with B.Sc (Agricultural Biotechnology) degree course in the larger interest of Justice as also to grant permission for fresh admission of the students during the academic session 2005-2006 with the intake capacity as was approved at the time of granting recognition / affiliation.

It has been submitted on behalf of the petitioner that the petitioner-Society is imparting education up to the degree level and was accorded affiliation / recognition for the B.Sc (Biotechnology Programme) by notification dated 19-12-2002 and were allotted 96 seats with certain terms and conditions and requisite facilities and faculty. Accordingly, 96 students were admitted in the aforesaid course for the academic session 2002-2003, and for the academic session 2003-2004 & 2004-2005, 78 and 96 students were admitted respectively. The petitioner –Society was refused to admit the students in the aforesaid course for the academic year 2005-2006 and was thus disaffiliated on the ground that National Agricultural Research

and Education System as regulated / managed by I.C.A.R., no under graduate Programme / degree has been offered in the name of B.Sc (Agricultural Biotechnology) or B.Sc (Biotechnology). Aggrieved by the said order, the petitioner Society filed a Writ Petition No.4240/2005 which was decided with a direction that in case the petitioner makes a representation before the Vice-Chancellor / Chairman of Indira Gandhi Krishi Vishwavidyalaya, the same be considered and decided in accordance with law. According to the petitioner, the representation was considered and rejected by a cryptic order dated 10-10-2005. Aggrieved by the said order, the petitioner preferred this writ petition.

The representation of the petitioner was rejected in light of the decision taken by the Board of Management of Indira Gandhi Krishi Vishwavidyalaya in its 56th meeting held on 30-07-2005.

The grounds taken by the petitioner in this writ petition are the similar grounds which were raised by the petitioner in the earlier writ petition wherein the petitioner could not get any relief except that the petitioner was allowed to make representation to the authority concern.

It was pointed out that the respondent – University has decided to follow the National Agricultural Research and Education system as approved by I.C.A.R. and I.C.A.R. which is the apex body in the country with respect to National Agricultural Research and Education System, does not provide a degree course in Biotechnology and therefore, the petitioner was not allowed to admit the students for the academic session 2005-2006. From the perusal of the impugned order it is crystal clear that the fate of the students who have already been enrolled has been secured, hence, for the said purpose it has been provided that the University will take appropriate measures for granting degree to the students who are already enrolled and pursuing their

degree course in B.Sc (Agricultural Biotechnology) or B.Sc (Biotechnology).

The inspection report contained in Annexure R/1 dated 05-04-2004 also indicates that the facilities and faculty available for imparting education was not found to be up to the mark as it does not satisfy the minimum requirements as per the norms which is crystal clear from the perusal of Annexure R/2 filed along with the response. It has also been brought to our knowledge that the State Agricultural Universities have been established by the respective State Governments by an enactment, and I.C.A.R. plays a pivotal role by extending financial assistance to such Universities for Agricultural Education and Research in the background of quality of education. Accordingly, the norms indicated in Annexure R/2 were provided and the petitioner failed to fulfill the norms.

We find that when the writ petition was filed no interim order was granted and since academic session 2005-2006 has already over, accordingly, no effective relief can be granted. However, it does not mean that the other plea of the petitioner has been accepted by this Court. In light of aforesaid facts, since the course in question is not available with the National Agricultural Research and Education System, it was made open for the petitioner to approach any traditional University for recognition of the course and due care was taken for the students who were earlier admitted by providing them the degree in question.

In the light of the above circumstances, no interference is warranted under Article 226 of the Constitution. The writ petition is dismissed.

Sd/-
Ag. Chief Justice

Sd/-
Satish K. Agnihotri
Judge